

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KYLE MATTHEW WILDE,  
Plaintiff,

v.

COUNTY OF BUTTE; BUTTE COUNTY  
SHERIFF'S OFFICE, JASON MILLER,  
Defendants.

No. 2:20-cv-02166 TLN AC

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff, proceeding pro se, is a pre-trial detainee in Butte County Jail. ECF No. 1 at 17. He seeks leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. ECF No. 2. Plaintiff's application to proceed in forma pauperis makes the necessary showing that he is unable to afford the cost of suit and will be granted. For the reasons set forth below, this court lacks jurisdiction to hear this case and the complaint must be dismissed without leave to amend.

I. LEGAL STANDARDS FOR SCREENING PLAINTIFF'S COMPLAINT

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or malicious," fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. See 28 U.S.C. § 1915A(b)(1),(2). The court may dismiss a claim as frivolous when it is based on an indisputably meritless legal theory

1 or when the factual contentions are clearly baseless. Neitzke v. Williams, 490 U.S. 319, 325, 327  
 2 (1989); Franklin v. Murphy, 745 F.2d 1221, 1227–28 (9th Cir. 1984).

3 A district court must liberally construe pro se pleadings. A pro se litigant is entitled to  
 4 notice of the deficiencies in the complaint and an opportunity to amend unless the deficiencies  
 5 cannot be cured by amendment. See Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987).  
 6 Although detailed factual allegations are not required, “[t]hreadbare recitals of the elements of a  
 7 cause of action, supported by mere conclusory statements, do not suffice.” Ashcroft v. Iqbal, 556  
 8 U.S. 662, 678 (2009) (citing Bell Atlantic Corporation v. Twombly, 550 U.S. 544, 555 (2007)).

## 9 II. PLAINTIFF'S ALLEGATIONS

10 Plaintiff brings suit under 42 U.S.C. § 1983 against the County of Butte, the Butte County  
 11 Sheriff’s Office, and Butte County Detective Jason Miller, for violation of plaintiff’s Fourth  
 12 Amendment protection against unlawful arrest. ECF No. 1 at 1, 10-11. Plaintiff argues that he  
 13 was arrested without probable cause based on hearsay evidence. Id. Plaintiff is currently  
 14 awaiting trial as a pre-trial detainee in Butte County Jail on charges directly related to the  
 15 allegedly unlawful arrest. Id. at 7. Plaintiff also brings state claims. Id. at 1. Plaintiff seeks  
 16 declaratory relief stating that his rights have been violated, a “preliminary and permanent  
 17 injunction” against the defendants, and damages. Id. at 14.

## 18 III. SCREENING OF PLAINTIFF'S COMPLAINT

19 The court cannot hear this case because federal courts are barred by the doctrine of  
 20 Younger abstention from interfering in most ongoing state court cases. See Younger v. Harris,  
 21 401 U.S. 37, 43–54 (1971) (holding that federal courts cannot enjoin pending state criminal  
 22 proceedings). Younger abstention applies to the following “three exceptional categories” of cases  
 23 identified in New Orleans Public Service, Inc. v. Council of New Orleans (NOPSI), 491 U.S. 350,  
 24 367-68 (1989): “(1) ‘parallel, pending state criminal proceedings,’ (2) ‘state civil proceedings that  
 25 are akin to criminal prosecutions,’ and (3) state civil proceedings that ‘implicate a State’s interest  
 26 in enforcing the orders and judgments of its courts.’” ReadyLink Healthcare, Inc. v. State Comp.  
 27 Ins. Fund, 754 F.3d 754, 759 (9th Cir. 2014) (quoting Sprint Communications, Inc. v. Jacobs, 571  
 28 U.S. 69, 81 (2013)). “The Ninth Circuit also requires that “[t]he requested relief must seek to

1 enjoin—or have the practical effect of enjoining—ongoing state proceedings.” Id. (quoting  
 2 AmerisourceBergen Corp. v. Roden, 495 F.3d 1143, 1149 (9th Cir. 2007)). “Each element must  
 3 be satisfied, and the date for determining whether Younger applies is the date the federal action is  
 4 filed.” Id. (internal citations omitted).

5 Each element is satisfied in this case. First, parallel state criminal proceedings on charges  
 6 that form the basis of plaintiff’s Fourth Amendment claims are ongoing. Second, the pending  
 7 state action necessarily implicates the important state interest of determining whether plaintiff is  
 8 guilty of the violation of state criminal laws. Third, no reason exists that would bar the state court  
 9 from addressing plaintiff’s unlawful arrest claims. And finally, plaintiff’s requested relief, which  
 10 includes a declaration that his arrest was unlawful and an injunction against the defendants, would  
 11 effectively enjoin the pending state court criminal proceedings. Accordingly, the court finds that  
 12 Younger abstention applies to this case. This court is therefore divested of jurisdiction to hear  
 13 any part of this action. Columbia Basin Apartment Ass’n, 268 F.3d at 799. For these reasons, the  
 14 undersigned recommends the complaint be dismissed.

15 Because there is no viable federal claim, plaintiff’s state claims must also be dismissed; they  
 16 do not provide an independent basis for jurisdiction. See Galen v. County of Los Angeles, 477  
 17 F.3d 652, 662 (9th Cir. 2007) (“Section 1983 requires [plaintiff] to demonstrate a violation of  
 18 federal law, not state law.”). In the absence of a cognizable federal claim, this court should not  
 19 exercise supplemental jurisdiction over plaintiff’s putative state law claim. Ove v. Gwinn, 264  
 20 F.3d 817, 826 (9th Cir. 2001) (district court has discretion to decline to exercise supplemental  
 21 jurisdiction over state law claims upon dismissal of all claims over which it has original  
 22 jurisdiction).

#### 23 IV. NO LEAVE TO AMEND

24 For the above reasons, this court finds that the allegations of plaintiff’s complaint fail to  
 25 establish federal subject matter jurisdiction, and that these deficiencies cannot be cured by  
 26 amendment. “A district court may deny leave to amend when amendment would be futile.”  
 27 Hartmann v. CDCR, 707 F.3d 1114, 1130 (9th Cir. 2013).

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V. CONCLUSION

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis (ECF No. 2) is granted.

IT IS FURTHER RECOMMENDED that this case be dismissed without leave to amend pursuant to the doctrine of Younger abstention.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: November 30, 2020

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE